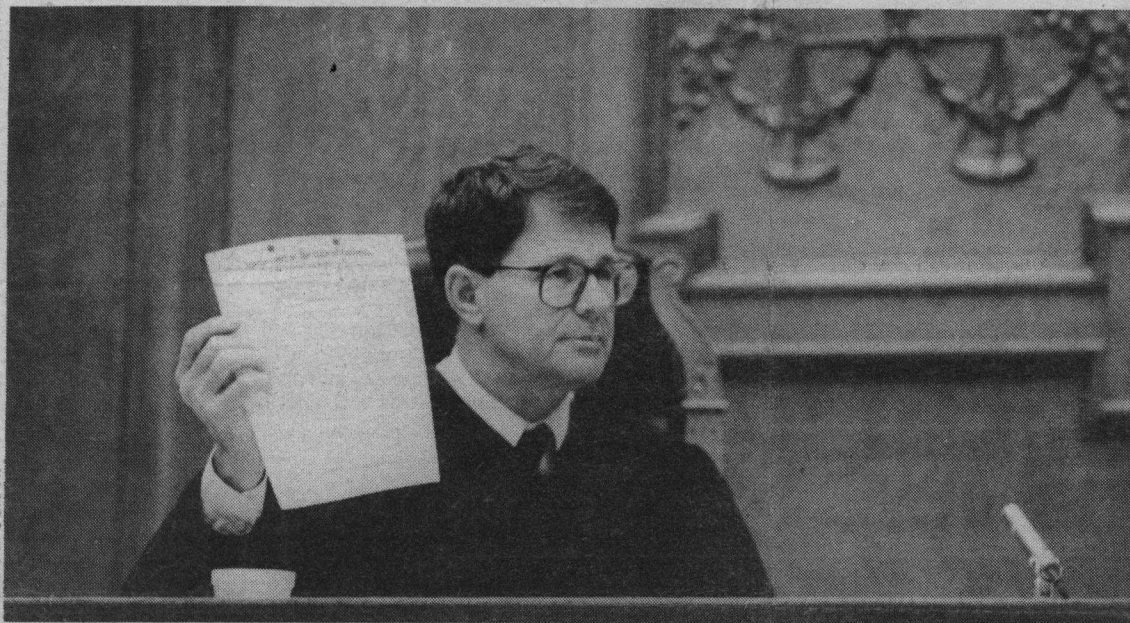


The Empty Scales of Justice



Judge Chris Cottle

Tom Maderos

At 4:50pm on Thursday, January 28, 12 jurors and two alternates who had endured months of blood- and ballistics-centered testimony filed back into Department 3 of Superior Court. Word had circulated that the jury would simply be adjourning for the weekend. Then an electrical spark coursed through the courtroom. The bailiff informed defense counsel M. Gerald Schwartzbach that there was a decision in the case. A mere six hours after Judge Chris Cottle finished reading his instructions, the jury took their seats for the final time.

Frank Clancy, one of two journalists on assignment for *Playboy*, nudged me and said, "If they look at the defendant, it's supposed to mean an acquittal." And, indeed, before the foreperson passed the judge a single sheet of paper with the words "Not Guilty," nearly every member of the jury took

a good hard look at Richard Wayne Bandler.

They had no such final moment to look in the eyes of James Marino. Admitted cocaine hustler, felon and self-described faith healer, Marino probably can't remember what he was doing at the moment the verdict was read. He had enough difficulty remembering what happened at the murder scene on Charlene Lane or, months later, at Bethel Island, where Richard Bandler allegedly trailed him after the preliminary hearing. Marino's selective memory and buffoonish claim to psychic power may be a carefully constructed disguise for guilt. Unfortunately, the district attorney's office never felt there was enough evidence against Marino to bring an indictment, much less a conviction, in the murder of Corine Christensen. Assistant District Attorney Gary Fry still maintains that all

points to Richard Bandler.

Fry, a graying, straightforward prosecutor, built the case against Bandler with a minimum of dramatics. What he had to work with was forensic and circumstantial evidence: Bandler's taped threats against Christensen, recorded only a few hours before the murder; his bloodstained clothing and the fact that the murder weapon belonged to him. But what held the story together was eyewitness James Marino, a coked-out fabulist who defense witnesses said had a grudge against Bandler and Corine. According to one such witness, Marino vowed to "set them up." Under cross-examination from Schwartzbach, Marino claimed he had the power to turn streetlights off and on. Yet he stuck to the basic structure of his story, insisting that it was Bandler who put the bullet in Christensen's brain.

Wedge between the testimony of Marino and Bandler was a string of forensic experts, ranging from bloodstain interpreters to a specialist in photogrammetry. Minute quantities of unburnt gunpowder stippling turned into epic questions, while the noted authorities agreed to disagree on almost every vital point. Lay testimony implicated Marino and Bandler alternately. Some witnesses contradicted Marino's statements about the Bethel Island incident. Harry Allison III testified that Paula McFarland, his estranged wife and Bandler's current girlfriend, had told him that Bandler had confessed to her.

Though establishing a motive is not essential to prove a murder charge, both sides developed plausible arguments. The defense claimed Marino killed Christensen because he blamed her for a beating he had received at a party a few days before the murder. According to this version, Marino framed Bandler for the shooting because he believed that Christensen and Bandler were conspiring against him. The prosecution countered that Bandler had perhaps killed Corine in a jealous rage after hearing about an alleged affair between Christensen and Suzanne Cutter, one of Bandler's lovers. Some observers of the case speculated that another possible mo-

tive might easily be drugs and money. Both Marino and Bandler fit in that scenario.

Whatever happened at the murder scene, the two men drove away together. Bandler spent the day in bed snorting cocaine with McFarland, while Marino tried to sleep off the nightmare at the home of his friend Dr. Robert Dunn. Marino later called another friend, attorney J.D. Wells, and the two drove back to Corine Christensen's, where the police were finally informed.

Presented with conflicting testimony, forensic jargon and a table of mute evidence, the jury set about their job. Strange as it may sound, the jury in a murder case is not strictly responsible for determining who committed the crime. The jury's task is to determine whether or not the prosecution has proven beyond a reasonable doubt and "to an abiding conviction" that the defendant is guilty. Since every defendant is presumed innocent until proven otherwise, the defense's primary function is to question the prosecution's case. The burden of proof remains with the prosecution.

The central problem in the murder trial of Richard Bandler was the reasonable doubt surrounding James Marino. It is to Gary Fry's credit that he took a hazy set of circumstances and an outlandish chief witness and was still able to forge a case that left a number of jurors wanting to believe Bandler pulled the trigger. But given Marino's questionable statements, the

walk away from the crime. Of course there are those who say both men are responsible. Aside from conspiracy theories that have Bandler and Marino teaming up to murder Christensen, there is the plain fact that Corine's life was being destroyed long before the final shot. First, consider that Bandler and Marino were coke buddies. Marino claims he got Christensen started in the cocaine business. Remember that cocaine is an expensive habit and that Bandler and Marino made large quantities available to their friends. Corine met James Marino, they became lovers, and she allegedly turned into a dealer and a heavy user. Regardless of who pulled the trigger both men are at least partly responsible for the circumstances that led to Corine Christensen's death.

Although there are a number of people who still blame Bandler for the murder, Marino is the one who generated most of the allegations of blackmail and prostitution. It is easy to destroy a dead woman's reputation and Marino has shown no interest in sparing Corine's memory or the feelings of her family. My own coverage of this case has certainly been far from perfect but I've tried to keep the word "alleged" tied to any statements James Marino made about Corine Christensen.

I was asked to write these stories to give the trial a human face, yet sometimes I've been guilty of some of the same sensationalism I deplore in the nightly news. Though



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jurors were unable to convict Richard Bandler of the crime. The principles of reasonable doubt and presumed innocence are meant to protect all of us. Those of us not charged with the jury's responsibilities can fall back on our feelings. We can take a positive or negative attitude about one or another of the participants in the case or seize on one particularly persuasive piece of evidence to the exclusion of others. The 12 women and men who made the decision in *People vs. Bandler* didn't have that luxury.

There has been a lot of talk about money during the trial, from the fees paid to Bandler's lawyer to the high price tag on expert witnesses. But the real price was paid by Corine Christensen's family. Since there was never a strong case against Marino, the acquittal of Bandler means one murderer and one innocent man

I tried to keep an open mind throughout the trial. I never succeeded in distancing myself from the results of the crime: the troubled hearts of the Christensen family, and the indelible details, like the blood stains left on Corine's knit dress. Maybe those who believe in a higher law can console themselves, but the final image I'm left with is the judicial emblem carved into oak—the empty scales of justice.

Corine Christensen is dead. James Marino or Richard Bandler murdered her. Now it appears that whoever committed the crime will remain unpunished. He is free to walk by the water and stand in the sun, free to enjoy every living moment he has denied Corine Christensen forever. And, perhaps most frighteningly, he is free to kill again.